

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 1681 - HB 1740**

March 10, 2016

**SUMMARY OF BILL:** Redefines “child” under Tenn. Code Ann. § 37-1-102 as a person under 25 years of age, rather than 19 years of age, for the limited purposes of remaining under the jurisdiction of the juvenile court to enforce a non-custodial order of disposition entered prior to the person’s 18th birthday; for the purpose of being committed to the Department of Children’s Service (DCS), or completing commitment including completion of home placement supervision, with such commitment based on an adjudication of delinquency for an offense occurring prior to the person’s 18th birthday; and for resolution of a delinquent offense committed prior to the person’s 18th birthday but considered by the juvenile court after the person’s 18th birthday.

Authorizes a juvenile court to retain jurisdiction of a person, or “child” as would be defined by the bill, until the child’s 25th birthday and to impose any sentence upon the child that could be imposed had the child been convicted as an adult. Requires the court to stay any portion of the sentence that extends beyond the child’s 25th birthday.

Authorizes a petition to be filed any time prior to the child’s 25th birthday requesting the court to find that the child has completed all requirements under the disposition order and that the child be released on the child’s 25th birthday with no other conditions; that the child be released and placed on probation; or that the child serve any remainder of the sentence.

If the court opines that the request is reasonable and the district attorney general does not object, the judge is authorized to order the release of the child without a hearing. Otherwise, a hearing must be scheduled within 15 days of the receipt of the request.

Authorizes a the state petition for a delinquency matter be handled under the procedure established by the bill if the juvenile court finds that transfer to criminal court is not appropriate.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – Exceeds \$10,000,000/One-Time  
Exceeds \$1,000,000/Recurring**

**Decrease State Expenditures – Exceeds \$173,200/Recurring/Incarceration\***

Assumptions:

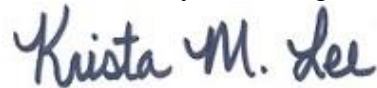
- Tenn. Code Ann. § 37-1-102 defines “child” as a person under 19 years of age for the purposes of disposing of certain matters that occurred while the person was a minor.
- The bill redefines “child” under Tenn. Code Ann. § 37-1-102 as a person under 25 years of age for the purposes of disposing of certain matters that occurred while the person was a minor.
- The bill would allow a juvenile court to retain jurisdiction of a minor adjudicated delinquent until the child reached the age of 25. Further, the bill would allow the court to impose any sentence upon the child that could be imposed if the child was sentenced as an adult.
- The bill would allow a juvenile court to:
  - Decide not to transfer a juvenile to criminal court to be tried as an adult, retaining jurisdiction;
  - Sentence the child the same as an adult;
  - Impose a sentence of confinement with DCS; and then
  - Release the juvenile before the child’s 25th birthday.
- A juvenile that is transferred to criminal court is tried as an adult. Upon being convicted, the child serves any period of confinement at a youth development center until the child reaches the age of majority, at which time the child is transferred to the custody of the Department of Correction (DOC).
- The bill will increase the expenditures of DCS for housing delinquent juveniles and decrease incarceration costs of DOC for housing these juveniles upon reaching the age of majority.
- The 2014 Annual Juvenile Court Statistical Report, produced by the Tennessee Council of Juvenile and Family Court Judges, indicates that 2,281 juveniles were substantiated delinquent in 2014.
- The bill extends the period after a juvenile court can retain jurisdiction of a child after the child reaches the age of majority by six years (from 19 years of age to 25 years of age).
- Assuming that juvenile courts across the state exercise the authority to retain jurisdiction and impose a sentence as though the child were tried as an adult, the bill would require 60 beds per year to house the individuals. DCS would need to build a new youth development center (YDC) to house these individuals.
- It is assumed that the one-time increase in state expenditures to build a 60-bed YDC would exceed \$10,000,000 and the recurring increase in state expenditures to fully-staff and operate a new YDC would exceed \$1,000,000.
- It is assumed that at least one child per year will be retained by a juvenile court that would otherwise be transferred to a criminal court and tried as an adult. If tried as an adult and sentenced to a period of confinement, any child would be transferred to DOC custody upon reaching the age of majority. Under the bill, any child will remain in DCS custody, decreasing DOC’s expenditures.
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.

- The bill will result in at least one child per year remaining in DCS custody rather than being transferred to DOC's custody. It is assumed that the child would have otherwise remained in DOC's custody from 18 years of age to 25 years of age, or seven years.
- The bill will result in at least one child per year serving seven years (2,556.75 days) less than under current law. The bill will decrease state incarceration costs by an amount estimated to exceed \$173,168.68 (\$67.73 x 2,556.75 days).

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm